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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

**PATENT**

Application No. : ~~10/649,349~~ 10/694,349  
Confirmation No. : 2564  
Applicant : Lubcke  
Filed : October 28, 2003  
Title : Measuring instrument  
TC/A.U. : 2858  
Examiner : M. Kramskaya  
Docket No. : LUBC3001C/FJD  
Customer No. : 23364

**REPLY BRIEF ON APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22202-3514

Sir:

**INTRODUCTORY COMMENTS**

Pursuant to the provisions of 37 CFR 41.41, submitted herewith is  
Applicant/Appellant's Reply Brief on Appeal.

The examiner in his Examiner's Answer repeats his final rejections. These were addressed in Applicant/Appellant Brief on Appeal and will not be repeated here..

In his Examiner's Answer, the examiner responds to Applicant/Appellant's arguments. This Reply Brief will address several of the Examiner's responses.

On page 8 of the Examiner's Answer the examiner states "[t]he Examiner maintains that **claim 1 makes no mention regarding powering a measuring instrument**, but rather states, '*said supply current and at least a portion of the signal current supply said measuring instrument.*,'" The quoted passage from claim 1, namely: "said supply current and at least a portion of the signal current supply said measuring instrument" in fact does refer to powering a measuring instrument. To supply is to power. Moreover, the argument further stated that "the measuring instrument and the higher-order unit have to be connected by a second pair of lines..." Where are the second pair of lines in Venditti? The examiner mentions Fig. 10 of Venditti, but the second pair of lines is not seen there.

On page 9 of the Examiner's Answer, the examiner states "the arrangement as disclosed by Venditti is absolutely related to the limitations of claim 1 as both are claiming measuring arrangements". But merely because they are both claiming measuring arrangements does not mean that Venditti teaches the limitations of claim 1. Claim 1 is not intended to read on all measuring arrangements, but merely the arrangement claimed.

On page 9 of the Examiner's Answer, the examiner also states "claim 1 includes two currents, but these are not both supply currents ...". The language in claim 1 does, as the examiner states, refer to two currents, and it further defines these currents as a "signal current" and a "supply current." They do not have to both be supply currents. On page 5 of Applicant/Appellant's Brief on Appeal, the reference is to "supplying currents" not to "supply currents." The point being made was that Venditti did not

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disclose currents (however referenced) that flow in **one of two pairs of lines**. The examiner appears to be forgetting that claim 1 specifically mentions two pairs of lines (a first pair of lines and a second pair of lines), and these are not seen in Venditti.

Finally, regarding Schmidt, the examiner states on page 10 of the Examiner's Answer, that the "[t]ransmitter feed units simply are the terminals of the pair of lines...." But they must be transmitter feed units of a higher order unit. Schmidt does not teach this.

It is respectfully submitted that the above further comments should be taken into consideration when deciding this appeal.

Respectfully submitted

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